

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 27, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL WALKER,

Petitioner,

v.

JEFFREY UTTECHT and STATE OF
WASHINGTON,

Respondents.

No. 2:20-cv-0204-SMJ

ORDER DISMISSING ACTION

On June 2, 2020, Petitioner Michael Walker, a prisoner at the Coyote Ridge Corrections Center, filed an unsigned *pro se* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person in State Custody. ECF No. 1. Petitioner neither paid the filing fee nor submitted a completed Application to Proceed without Prepayment of Fees as required by Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

By letter dated June 2, 2020, the Clerk's Office advised Petitioner of these deficiencies. ECF No. 4. The Clerk's Office provided him with an application form to proceed without prepayment of fees to complete and return. ECF No. 4-1. On July 22, 2020, the Court notified Petitioner that he needed to sign and return the signature page only of his petition, ECF No. 5. Petitioner has not complied with

1 these directives and has filed nothing further.

2 On July 27, 2020, this Court ordered Petitioner to submit a completed
3 Application to Proceed without Prepayment of Fees within **thirty days** of the date
4 of that Order. ECF No. 6. In the alternative, the Court advised Petitioner he could
5 pay the full \$5.00 filing fee. *Id.* It also cautioned that his failure to do so would
6 result in the dismissal of this case. *Id.* Petitioner has neither paid the filing fee nor
7 returned the Application to Proceed without Prepayment of Fees by the due date of
8 August 26, 2020.

9 Accordingly, **IT IS HEREBY ORDERED:**

- 10 **1.** This action is **DISMISSED** without prejudice for failure to pay the
11 filing fee or comply with the *in forma pauperis* requirements of
12 Rule 3(a) of the Rules Governing Section 2254 Cases in the United
13 States District Courts.

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1 **2.** The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal
2 from this decision could not be taken in good faith and there is no basis
3 upon which to issue a certificate of appealability. *See* 28 U.S.C.
4 § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is
5 therefore **DENIED**.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
7 enter judgment, provide copies to *pro se* Petitioner at his last known address and
8 **CLOSE** the file.

9 **DATED** this 27th day of August 2020.

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 SALVADOR MENDEZ, JR.
 United States District Judge